

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JAMES MORRIS

PLAINTIFF

V.

CIVIL ACTION NO.: 4:19-CV-97-SA-JMV

DEPARTMENT OF HUMAN SERVICES

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

James Morris was denied food stamp benefits after being convicted of drug-related felonies pursuant to 7 C.F.R. § 273.11(m). After he was initially denied these benefits, the State Legislature passed the Criminal Justice Reform Act on July 1, 2019 which could allow Morris to continue receiving the benefits despite his criminal conviction.

On June 21, 2019, James Morris filed a *pro se* Complaint [1] against the Department of Human Services alleging that he was unlawfully denied food stamp benefits in violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments of the United States and Mississippi Constitutions. He filed a Motion for Preliminary Injunction and Temporary Restraining Order [3] on June 21, 2019 asking the Court to enjoin the Department's denial of food stamp benefits. The Magistrate assigned to this case entered an Order to Show Cause [8] why the Complaint [1] should not be dismissed for failure to state a claim pursuant to §1915(e)(2)(B)(ii). Morris timely responded and the Magistrate Judge entered a Report and Recommendation [13] recommending dismissal based on mootness and a lack of standing. Morris filed an Objection to the Report and Recommendation [15] arguing that the Court should allow his claim to proceed to discovery in order to ascertain additional information regarding the policy makers associated with the law denying him food stamp benefits.

For the reasons discussed in the Magistrate Judge's Recommendation, this Court adopts the Report and Recommendation [13] without change and the Plaintiff's claims against the Department of Human Services are dismissed *without prejudice*.

SO ORDERED this, the 12th day of February, 2020.

/s/ Sharion Aycock

UNITED STATES DISTRICT JUDGE